

FEDERAL GOVERNMENT NOW PROTECTS BIRDS WHICH WERE BEING DESTROYED BY GAME HOGS

Serious Offense Against U. S. Statutes Now to Kill Song Bird—Fine and Imprisonment Prescribed by New Legislation.

By JAMES B. MORROW.

No matter when—make a note of the conjunction—how, or where, it has become a serious offense to kill a blackbird, a robin, or a song sparrow. The person who does so may have to pay a fine of \$100 and go to jail for ninety days.

Within the shadow of the Stars and Stripes every insect-eating bird now finds a refuge from men armed with guns and from boys armed with slings, clubs, and stones. The laws of the country at last protect all feathered creatures as well as all human beings.

It is a crime against the State for one man to murder another. Here the unlawful act is local. It is a misdemeanor, by a statute of Congress, to destroy the life of a bird, unless the bird is killed in season and is good for eating. Here the unlawful act is national.

The flag, accordingly, follows all birds in their peregrinations. They are not to be shot, trapped, or injured in their spring flights to the North or their autumn journeys into the South. Nor are they to come to harm while nesting in one's lawn, orchard, or forest. They are interstate travelers and citizens and as such are wards of the nation.

Game birds, of course, may be killed at stated times duly specified. They include ducks, geese, quails, pheasants, plovers, and so on. But Congress has also given them new safeguards. The laws of the States are still operative, but the laws of Congress are paramount.

A man with a gun, or a boy, either, may at once offend both the State and nation. Persons with guns, therefore, had better draw their shells until they can inform themselves as to their rights and the rights of their winged fellows.

The Flag Over Every Bird's Head.

So doing they will learn that song birds and insectivorous birds—the bluebirds, the thrush, the cardinal, and even the owl and the crow—cannot be killed at all. The entire killing in the tree has now the guardianship of no less a person than the President of the United States.

The protection of the President, it is needless to say, is indirect. He works mostly through agents. It would be impossible for him to watch the birds and the trust: the counterfeiter and the railroad; the moonshiner and the bootlegger; the smuggler and the manufacturer. There are seasons when men for the older law enforcement, and men like Col. Joseph Hayes Acklen, who have been chosen to represent the President in the new law about the birds.

A better man could not have been found. At all events such was the testimony of the game wardens and the ornithologists of the country, many Senators in Congress and the members of the Tennessee legislature. Everybody who knows anything about birds—game or song—regarded the Secretary of Agriculture to give the enforcement of the recently enacted statute into the wise and energetic management of Col. Acklen.

Years ago Col. Acklen was a sportsman. He has hunted snipe in Florida and grizzly bears in the Rocky Mountains. The fast vanishing game of the country turned him into a student of quoses. In time he became an ornithologist. A conservationist, possibly, would fit his case more accurately than would any other name. He is not only the author of the game and fish laws of Tennessee, but of its forestry laws as well.

The Acklens, anciently, were hunting folk. A history of the family can be found in Burke's "Heritage and Baronetage." The Virginia branch of the family kept bounds and role after foxes. J. A. S. Acklen, father of Col. Acklen, lived on a great estate in Tennessee. He spent about \$100,000 on the property. There his own home forests, Col. Acklen learned to hunt and to study the habits of birds and animals.

Guardian of the Nation's Birds.

After attending two European universities, he returned to Tennessee and was professionally educated at the Lebanon law school. He practiced many years at Nashville, railroads being among his clients, and became president of the State Bar Association. At the age of twenty-five he was a member of Congress, coming to Washington from Louisiana, and serving two terms in the House of Representatives.

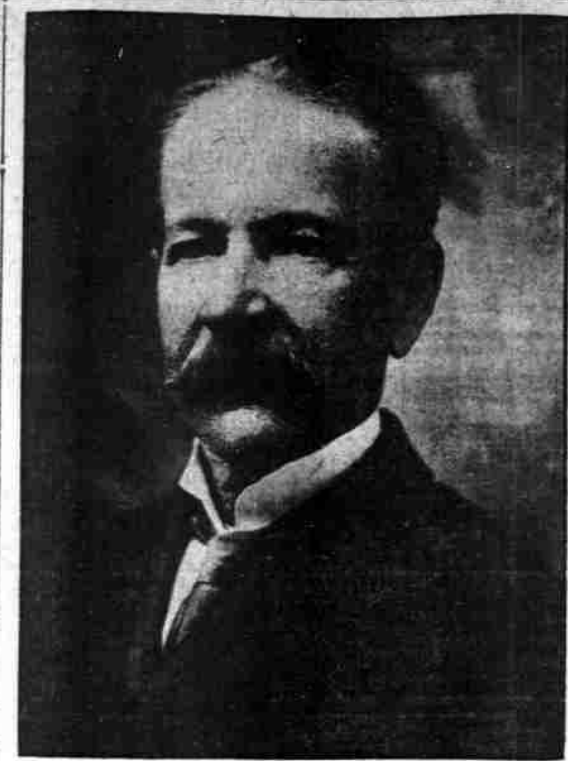
For a long time, however, Col. Acklen has devoted himself almost entirely to game, fish, and forest conservation. He has written numerous articles on ornithology, fish culture, and field sports. In 1912 he was elected president of the National Association of Game and Fish Commissioners, having previously been general counsel of the organization for many years. A man of wealth, he has given much of his life, without pay, to the work he loves, in the belief that he is performing a necessary public service.

It will be Col. Acklen's duty to see that the new law protecting all kinds of birds is obeyed. He will co-operate with the game wardens of the various States, and in time will send a force of national agents into the field. The people everywhere will understand, in one way or another, that birds can no longer be ruthlessly slaughtered by market hunters, "game hogs," or boys. Even the humblest bird in the smallest tree—the wild canary, for example—has the guardianship now of Uncle Sam.

"The migratory bird law," Col. Acklen said to me, "was a long while getting into the statute book, but it is in force finally, and will save a part, at least, of the fast-disappearing wild life of the country. The law was passed some time ago. Congress has dealt with birds just as if they belonged to the nation and not to the separate States. That, of course, was the only way in which Congress could act upon the subject. The national government cannot control a railroad that begins and ends within a State. It only has power over roads carrying interstate passengers and freight—that is, over roads that are built on or through the territory of different States.

Some Birds Are Above the State.

"Migratory birds are in the North during the summer and in the South during winter. They may build their nests in Ohio, Michigan, or Iowa. They may pass the period of cold weather in Georgia, Mississippi, or Alabama. No State, consequently, can claim complete jurisdiction over them. The nation can, however,



COL. JOSEPH H. ACKLEN

and the nation has in the law passed by the last Congress. It will be well for the people everywhere to understand that birds which do not remain the whole year through within the borders of a State have been brought within the shelter of the national government.

"Most of the game birds, though protected by some States, have now the additional protection of the United States. Certain game birds, including band-tailed pigeons, sandhill and whooping cranes, swans, curlew, and all shore birds, except black-breasted and golden plover, jacksnipe, woodcock, and yellowlegs, cannot be shot at all until after September 1, 1913. They are rapidly becoming extinct and are to be permitted to rehabilitate themselves.

"The law in its details and broader sense is of interest to sportsmen and market hunters. They ought to study it closely. Persons who do not hunt should know, considering the law in its common aspects, that it is a misdemeanor to kill any kind of a song or insectivorous bird at any time or in any manner. The robin in one's dooryard has, it might be said, the flag of the nation over its head. It belongs to nobody but is a free-roaming denizen of the country and no one has a right to take its life."

"You have always been a sportsman yourself?" I said.

"Shooting has been my recreation ever since boyhood. Some men like hedges and some like birds. I have no fault to find with them. My pleasure, however, lies in the fields and woods. Much of my life has been spent out of doors. But I never killed wantonly. I shot moderately when I went after birds. When I fished I used to hook and not a wile.

"The enormous and reckless butchery of game, especially birds, aroused my indignation years ago. Northern dealers syndicated many parts of the South. They bargained with country merchants, who, in turn, bargained with the sons of farmers. Cartridges could be supplied the boys free of charge and they would comb the fields for quails, getting \$1.25 a dozen for all they killed. The quails brought \$5 a dozen in the markets of large Northern cities. Profits in the business were big, you see, but not for the boys.

The Wild Slaughter of Ducks.

"Then I learned by personal experience what was going on in the Big Lake region of northeastern Arkansas. Two market hunters told me that they often killed 700 ducks in a day. One hundred thousand geese and ducks were sent to market each season from that section alone. Great consignments of birds would be shipped to the North. The weather would change and the game, spoiling, would be thrown away.

"Moreover, robins in those days were killed for food. Going South in the winter, they roosted in cedar thickets, where they were hunted by men carrying torches. The light made the birds helpless and the men knocked them on the heads with sticks. As many as 2,000 birds would be killed in that way at a single roosting place in one night. "Such waste of life and brutality caused me actively to interest myself in the preservation of our native game birds. Sport, not profit, pleasure, not profit, I thought, ought to be the platform of all men who hunt. I have said more than once that the birds of the air and the game of the woods are all for man's use.

"It is a maudlin sentimentality which argues that wild animals and birds should not be killed. It is only when killing is likely to exterminate a species that it should be prohibited. Song birds and certain insectivorous birds, however, should never be killed. And spring shooting of game birds ought to be stopped entirely."

"What birds," I asked, "have become extinct?"

"The wild pigeon, as all of us know, has disappeared. Any one with a gun could kill wild pigeons by the hundred. Fired into once, they would fly a short distance and then return to give the hunter another chance. Many insectivorous birds were fast being entirely killed off by commercial hunters, who sold the feathers of such birds to manufacturing milliners. Fortunately, public sentiment, going forward by leaps and bounds on the subject of wild life preservation, has compelled the enactment of protective laws in most of the States. Forty-four States have game commissioners or wardens. New York has 125 salaried game protectors. Georgia has 196 county wardens and 2,300 deputy wardens. The slaughter of our birds has been checked, but it has not been stopped."

Market Hunters and Game Hogs.

"The claim is made that the country would be eaten up by insects were it not for the birds," I said.

"Enthusiasts, I know, have given such a warning in print and by voice. I would be more conservative and say that many millions dollars worth of property would be destroyed annually by insects if birds, the allies of man in protecting trees, orchards and growing crops, were to migrate to another country or be completely extinct. Man and the birds come

lined have a big battle as it is and man should not do anything to weaken the line of attack on the devouring hosts which actually threaten his food supply. We need the birds. They, however, do not need us."

"What causes the greatest destruction of bird life?"

"Substitute 'who' for 'what' and I answer: The market hunter. He is an expert shot and buys good guns and the best of ammunition. Ranking just below him is the game hog, or the man who begins an orgy of slaughter the moment he starts for the country with a gun in the crook of his arm. He kills everything in sight and what he can't carry he throws away. Climatic conditions often cause the death of many thousands of quails. Snow falls, then thaws and then freezes and the earth is sealed away from the quails under ice, which they are not strong enough to break through. In such a case the birds starve to death. While robins are thus depopulated of quails, storms also kill many birds and they have disease. Yet like animals and men.

"What do you know about the migration of birds?"

"That is one of the most interesting subjects in the world of outdoor nature. It is said by some ornithologists that the scarcity of seeds and insects causes

birds to fly south in the fall and to return to the North in the spring. If plenty of food were supplied the birds, thus men say, the migratory would end. I do not accept that theory."

Traveling Is in the Blood.

"Instinct, I feel sure, causes the peregrination of birds. Practically all birds, except quails, grouse, and wild turkeys, change their habitations twice a year. Quails, grouse, and wild turkeys are permanent residents of the regions where they are born and grow up.

"The robin, a strong bird, living on seeds and insects, would have the same fighting chance in the North during winter for his supply of food as has the quail, but he hurries away early in autumn to a warmer climate. He is back in spring, often in February, and there are no insects as yet at that season of the year, and no new crop of seeds has grown meanwhile. He travels to and fro because it is his nature to do so."

"Do robins born in one's orchard or on one's lawn return year after year?"

"I think they do. My present home is in Acklen Park, just outside of Nashville. We have about 100 acres of lawn and forest. Birds are protected. Guns are never fired upon the premises. Robins nest in the trees near the house every season. I can't prove that they are the same birds, but they choose the same trees, seem to know the territory, and act just as if they owned the property. I regard them as old friends, and have no doubt they return the feeling. F. M. Dille, a government official in the Rocky Mountain district, says that six pairs of pelicans were bred at the Minnola Reservation in 1912 and that three pairs of them came back this year. Mr. Dille also says that of every nine ducks and geese which go South from his part of the country, only one returns in the spring.

"The migration of birds has several unknown and curious angles. We know, talking about robins, that they spread themselves over the country in the spring from Tennessee to Canada. The flight of some ends within 200 miles of the Gulf of Mexico. Others keep on into Pennsylvania and Ohio. Still others do not stop until they reach Michigan and Iowa. It is so with all migratory birds. Are they returning to their old temporary homes? It would seem so.

One of the Mysteries Explained.

"But why does one pair of robins build their nest in Kentucky while another pair keeps on until they reach the Lake Superior country? My own opinion is that old, weak, and injured birds drop out of the long processions which wing their journey northward each year. They raise families where they happen to be, and the children, the following season, return to their old homes, mate, and have children of their own. So we find an explanation. I think of the wild dispersion of birds which migrate. I

Col. Joseph Hayes Acklen Represents the President in Execution of Laws—He Explains Need and Purpose of Statute.

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have seen mallard ducks in Arkansas during influenza. I have also seen them in Canada. The Arkansas ducks, however, were slow in getting out of the water, which showed that they lacked strength or were crippled.

"Birds know some things which man as yet hasn't found out. We see a bird soaring in the air, and though we use a binocular we cannot detect the slightest motion of his wings. He sails with the wind and against it and apparently upsets the law of gravity. Two hundred feet from the ground he is enabled to see dead snakes half-hidden in the grass and leaves. No one can tell how a carrier pigeon, turned loose 200 miles from home, can unerringly find the way back to its loft. And there is the bee, also with wings, which, wandering far afield, gathering honey, all morning long, arrives in a spiral, looks around, and, without a compass in its pocket, makes a bee-line for its hive or the hollow tree in which it lives.

"All that the birds and game need for their preservation is protection against man," Col. Acklen continued. "They are capable of taking care of themselves. The bison was shot to death and the antelope vanished under the guns of greedy hunters. The elk was threatened with extermination, but the national government gave him a safe refuge, and now he is increasing wonderfully. There are about 17,000 elk in the region of Jackson Hole, Wyo., and about 20,000 in the vicinity of Yellowstone Park. Small herds have been taken to Montana, Oklahoma, Oregon, Utah, South Dakota, and Washington, and with proper care will increase very fast. In the meantime the national government has established fifty-six bird reservations.

Smart Turkeys and Grouse.

"In Pennsylvania, no Commissioner Phillips reports, white-tailed deer are doubling in number every year; while wild turkeys and ruffed grouse are more numerous than at any time since the game laws of that State went into force. Deer, grouse, and turkeys, knowing there are sanctuaries for their protection, take refuge in such places when hunted. Pennsylvania has five game preserves of 3,200 acres each. No person is permitted to enter any of the preserves during the open season. At other times, men with dogs or guns must leave them behind.

"Italians, in Pennsylvania, as elsewhere, buy guns when they come to this country and immediately begin killing all creatures that have either fur or feathers. They think that everything is free in America. One Italian, whom Dr. Joseph Kahlbus, secretary of the game commission, heard about, thought a hunter's license gave him the privilege of shooting his enemies. He was halted, however, before he got into action. Several Italian workmen at a camp explained, on becoming sick, that they had 'killed too much big game.' On investigation the 'big game' were found to be turkey buzzards.

"The same haze of an Italian in Indiana contained a flicker and a Plymouth Rock rooster. Italians will eat anything from a hummingbird to an eagle. Unnaturalized foreigners are no longer permitted to own guns in Pennsylvania. The Italian has really become a menace to bird life in all parts of the United States. He is a great deal more destructive than the negro of the South, who specializes with rabbits and says that robins and such birds are 'too small for the pot.'"

"Tracking deer, killing deer in water and baiting doves are practices which have largely gone out of fashion by compulsion. Dynamiting fish is a barbarity which is no longer tolerated. But birds are still shot over baited ponds, ducks and geese are pursued in motor boats and upland birds are hunted in automobiles. Such outrages against nature and decent sports must be cut short with vigor."

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PORPOISE FISHERMEN ARE NOW BUSY

Seek Sportive Denizens of the Deep Along the Atlantic Coast from New Jersey to Florida—Harpoons Have Given Way to Seines.

Now is the season when the playful porpoise puts on its winter underwear. In the form of a thick protective layer of fat, and from the present month until early spring these graceful creatures of the sea will be sought by a special class of Atlantic fishermen. Headless of time as the porpoise seemingly is, yet it depends the busy man's sport of the day on its daily tasks. Because of this fact a curious industry has developed in this country, of which the public generally knows nothing, and industry that intimately affects the running of watches and clocks.

From the lower jaw of the porpoise is extracted an oil which is peculiarly fitted to serve as a lubricant for watches, clocks, and chronometers, and strange to say, from this same jaw can be obtained the requisite qualities to be obtained. Therefore the porpoise is hunted as systematically as the whale used to be. A few years ago nearly a quarter of a million clocks were made in this country. There was no question about their quality, but the trouble was that the lubricant was due to an imperfect lubricant, and a goodly sum of money and much time were spent before those clocks were in running order and fit for distribution. From this may be gathered the value of the contribution which the porpoise makes to the daily life of mankind.

For years the porpoise was taken principally as a side issue to other fishing. The increase in the demand for the oil led to the creation of a business having for its end the capture of porpoises in large numbers and under circumstances which could be controlled to meet commercial demands.

Harpooning had previously been the method of taking them, but this had many drawbacks. An oil refiner in New Bedford learned that the Turks on the Black Sea used draggins to land the native porpoise when swimming near shore in quest of certain small fish upon which they feed. This was a practice unknown here and the refiner decided to try it. But that clever Yankee believed that the facilities could be adapted to suit the requirements. From New Jersey to Florida are now scattered fishing stations organized by that refiner, and in each city, and from November to April they are busy sealing porpoises as they pass up and down the Atlantic shore line. Porpoises can be caught at other seasons, but the winter time is the best and most profitable. The Italian has really become a menace to bird life in all parts of the United States. He is a great deal more destructive than the negro of the South, who specializes with rabbits and says that robins and such birds are 'too small for the pot.'

Fat from Jaw Most Valuable.

To the uninitiated the fat of the body and the fat of the lower jaw appear much of a kind, but the oils produced from them are radically different in their characteristics. The oil from the body fat is worth the raw state about 80 cents a gallon, while a like quantity of the oil of the jaw puts the marrow of the jawbone brings \$1.25. The blubber, or body fat, of a large porpoise furnishes from 10 to 15 gallons of oil, and the lower jaw of a fish the same size gives probably about two quarts on an average, and this quantity is greatly reduced before the various stages of refining have made the oil fit for the market. When ready for sale to watch and clock makers the oil is worth nearly double its value in the raw or unrefined condition.

The equipment at each fishing station consists principally of the boats and the special nets designed for the work. A working unit is composed of four boats and a mile of seine. The seines are heavy and exceptionally stout, and it is something of a task to handle them properly. The boats are a cross between a skiff and the fishing dory of Newfoundland and our own dory boat.

It is not possible to put out after the porpoises from sheltered points; the boats have to be launched from the beach and carried safely beyond the danger line of the tumbling breakers. Loaded with its quarter of a mile of net, it is a hard task to shove one of these boats through the heaving water of climate. The most fruitful porpoise hunting station is close to Cape Hatteras, and it is well known what hazards lurk in

the waters of that part of the coast of the Carolinas. Because of the risks run and the skill required in this occupation the crews are recruited from local fishermen who are perfectly familiar with the habits of the sea and quite at home in the surf. They must have clear heads, steady nerves and the ability to act quickly. The surfmen are very much of a law to themselves when a school of porpoises draws near, provided the sea gives them half a chance, and it takes but little imagination to grasp something of the excitement and the peril of their occupation.

Taking Off Porpoises Difficult.

The habit of the porpoise is to swim in schools, many in number, probably 100 or 200 yards seaward from the beach. This makes it possible to intercept their course and to drag them ashore after they have stranded in the shallow water. The surfmen prevent their escape seaward and frightening them shoreward. The operation of capturing them is simple to describe, but its proper execution is quite another matter.

Speed is of the essence in this work. The fish detect the presence of their foe soon enough to go scurrying off at great speed. Again, the waters may be so treacherous that prompt handling of the nets and the interposition of the approaching school becomes impossible. Perhaps one or more of the boats may be swamped before getting clear of the breakers, making further successful efforts to supply the annual consumption of the surfmen may seem a hopeless task. The surfmen may be swimming too far off shore to be reached with a fair chance of drawing them to shallow water before they can get away.

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Fleets of Excitement.

The porpoise is the largest denizen of the deep that swims in the waters of the United States, and the taking of the tunny in the waters of Europe. As soon as the porpoises are stranded in shallow water the surfmen run in among them, taking advantage of the slashing sweep of their powerful tails, and hook them so that they may be dragged high and dry upon the beach. Strange as it may seem, the fish are not infrequently dragged to shore before they can be pulled ashore. This is because they cannot breathe properly when resting on their sides or their backs.

No time is lost after these graceful creatures of the sea have been landed in stripping them of their fat. The head is severed from the body and the precious blubber of the lower jaw and cheeks is tried out separately from the body blubber. The reason for this is that the two oils are quite unlike as lubricants, and haste is needed in order to prevent the blubber from becoming rancid before rendering. Rancid fat seriously affects the final product, and seemingly trifling conditions bear importantly upon the ultimate suitability of the lubricant.

At the fishing stations the oil process is essentially raw or crude by comparison with the finished article and contains a good deal of foreign substance which must be removed before the stuff is fit for the market.

As soon as the oil is received by the refiner it is heated gently in order to complete the cooking process begun by the fishermen at the sealing stations. Up to this point the oil has been subjected to the sun and nature take up the task. The oil is allowed to rest for eight months and is exposed during that time to the clarifying effects of the sun and also to the insulating effect of climate. The oil is then strained or filtered through suitable fabrics further to cleanse it.

Police Reporter's 'Home Hint' Saves Bloodstained Silk Waist

"Murder Mystery" Goes Glimmering, but Sleuth Calmly Prescribes Lump Starch to Remove Spot and Shuts Off Fond Mother's Talk.

When an exquisitely gentle voice asked The Washington Herald by telephone last night what would remove blood stains from crepe de chine, the frenzied reporter who received the request for information beat a tattoo on his coco with the receiver, tore his hair, and felt himself slowly torn asunder by the conflicting emotions of indignation at having chemical puzzles posed at him, as if he was a corner apothecary, and of joy at the chance of a fashionable murder story in which a bit of silk would be Exhibit A.

But by a heroic effort he maintained that phlegmatic composure that reporters must have when they are written about, and answered out of a corner of his mouth, quite as if he was a stage city editor, that he would "see about that," ending with a command to the anxious inquirer to call him up in fifteen minutes. The reporter found out what was alleged to take blood stains out of crepe de chine, and when the exquisitely gentle voice made itself audible again, he contorted the southern part of his countenance into a grimace which threatened to disport the lower maxillary, and said through the crevice where the very best wisdom tooth he ever had had once uselessly occupied space:

"Make a soft paste of lump starch, moistened, spread it upon the spot, and brush it when dry with crepe de chine. The article will then appear in all its pristine softness, radiance and beauty."

When she thanked him she was very welcome, but there were two or three little things about blood stains that he would like to know; and the first of those was:

"How did said blood stains get on said crepe de chine?"

The voice which had been exquisitely gentle before was positively eerie now with the silvery laughter that rippled along before her words, as the water ruffles before the summer sale.

"It really WAS too funny," she said, "I—and yet I was SO frightened. I—I had just put baby down on the bed and taken my eyes off him a second—the teeniest second—and before I could put my eyes on my pet again I heard a bump, and when I turned around there was the little darling on the floor, and when I picked up the precious, of course I didn't stop to think whether I had on

crepe de chine or sackcloth and ashes and held him tight in my arms, and he was already fast asleep, and he must have cut his sweetest little lip and his little blubber-guns dripped down on my sleeve and I had just come back from the matinee and hadn't time to take it off—the waist, I mean—the right side, and I was so tired and sweet play it was; and so this was the second time I cried today, the baby's lip being the second, and so here is this blood on my waist, and, of course, I don't care if he has it on his right side and I don't care if he has it on his left side, but I should give a lot to save it."

When the reporter was revived she was calling again.

"It's really beautiful," she said enthusiastically. "You couldn't tell there had ever been a spot there. Where DID you find out?"

"Never you mind—you stop right now," the reporter cautioned. "Your crepe de chine is clean."

"Oh, perfectly; it looks as good as new and—"

"That'll do now. And the baby has quit crying?"

"Of course, he has, the little dear, lying there so—"

"All right, then; that'll do. GOOD-NIGHT."

CAPTURE BEAR WITH LARIAT.

Spokane Men Bring Beasts 150 Miles to Town in Auto.

Spokane, Wash., Dec. 13.—Capturing a 10-pound black bear with a lariat and bringing the animal alive a distance of 1